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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,967	09/25/2004	Yuly Zagyansky		3746

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Y Zagyansky
Entralde, 22 rue Ste Marthe
Paris, 75010
FRANCE

EXAMINER	
COBURN, CORBETT B	
ART UNIT	PAPER NUMBER
3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/508,967	ZAGYANSKY, YULY	
	Examiner	Art Unit	
	Corbett B. Coburn	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. To the extent that any device or process is being claimed, it appears impossible for one of ordinary skill to carry out the invention. It appears that the phenomena described only occurs at the edge of the universe or in the vicinity of a black hole. Science fiction such as *Star Trek* notwithstanding, no one of ordinary skill in the art has the ability to travel to the edge of the universe or to manufacture a black hole. Therefore, no one has the ability to use these phenomena.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-9 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to

present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As best understood, the claims are directed to laws of nature. Natural laws are not patentable. Applicant did not invent natural laws. Furthermore, natural laws are universal and cannot be suspended. Thus a monopoly on a natural law is meaningless.

It is said that Newton "discovered" gravity when an apple fell from a tree and struck him on the head. Suppose Newton received a patent on gravity. Could such a patent have meaning? Could Newton exclude others from the use of gravity? Absolutely not. Apples on trees not owned by Newton would fall no matter what Newton said. Newton could not forbid others to practice "gravity".

Applicant appears to be in the same position as Newton. Applicant claims to have discovered new laws of nature. Applicant has no control over these laws and cannot turn them off and on at will. And like Newton, Applicant cannot receive a patent on these laws. If granted, these patents would be useless because Applicant could not forbid others to practice these laws of nature.

7. Claims 1-9 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. To the extent that any of these claims are directed to one of the statutory classes of patentable subject matter, the claimed matter appears to be inoperative and

lacking in utility. It appears that the subject matter defies the laws of physics and, since some of the claims seem to be directed toward denial of the second law of thermodynamics, it appears that perpetual motion machines would be a corollary to Applicant's claims.

8. Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a credible asserted utility or a well established utility.

As noted above, Applicant's "invention" defies the laws of physics and open up the possibility of such things a perpetual motion machines.

9. Claims 1-9 also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a credible asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (f) he did not himself invent the subject matter sought to be patented.

11. Claims 1-9 are rejected under 35 U.S.C. 102(f) because the applicant did not invent the claimed subject matter. To the extent that Applicant is trying to claim laws of nature, Applicant did not invent the claimed subject matter.

Response to Arguments

12. Applicant's arguments filed 30 September 2006 have been fully considered but they are not persuasive.

13. Applicant's "arguments" appear to be mere allegations of patentability. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

14. Applicant appears to consider it a "crime against humanity" that the instant application was assigned to the current Examiner. This case was assigned to the Examiner because he is an attorney and because he has had a great deal of experience with the legal issues presented by applications of this type.

15. Applicant must understand that neither the Examiner nor the Office is passing judgment on his discoveries or work. The Office is charged with applying the patent laws of the United States to the inventions claimed by inventors such as yourself. The Office Actions in this case reflect on the legal sufficiency of the claims and not on the validity of any scientific theory.

16. In the United States, one may not patent laws of physics. As explained above, there are a number of reasons for this. First, no patentee may forbid the laws of physics from functioning for others. Thus any patent granted on such laws of physics would be inoperative. Secondly, no one may be said to have invented laws of physics. One may do research & discover what these laws are, but this is not the same as inventing them.

17. If Applicant has invented any machine, process, article of manufacture, or material/composition of matter based on the theories that Applicant has advanced, Applicant is urged to submit a patent application with claims drawn to that machine, process, article of manufacture, or material/composition of matter. If Applicant does so, Applicant is strongly

urged to seek counsel to draft legally sufficient claims or to study a number of US Patents to learn how to draft such claims.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CORBETT B. COBURN
PRIMARY EXAMINER

Corbett B. Coburn
Primary Examiner
Art Unit 3714